

REMARKS

Claims 28-34 are in the application.

Claims 28, 30-31 stand rejected under the judicially created doctrine of double patenting. Submitted herewith is a Terminal Disclaimer in response to this basis of rejection Claim 28. Withdrawal of this basis for rejection of Claims 28, 30-31 is respectfully requested.

Claims 28-31 stand rejected under 35 USC §112, first paragraph, as containing "new matter", specifically the language "via modulation of a matrix metalloproteinase activity" found in parent Claim 28 and which carries forward to dependent Claims 29-31. Claim 28 has been amended to delete the language "via modulation of a matrix metalloproteinase activity", thereby obviating the rejection based on "new matter". Withdrawal of the rejection of Claims 28-31 under 35 USC §112, first paragraph, is respectfully requested.

Claim 29 stands rejected under 35 USC §112, second paragraph, as being indefinite. Claim 29 has been amended to denote that the claimed composition is an extract of oak bark, thereby making this Claim 29 definite. Withdrawal of the rejection of Claim 29 under 35 USC §112, second paragraph, is respectfully requested.

New Claims 32-34 have been added.

Claim 32 defines the composition of the present invention including the property that the composition is substantially free of lead. Basis for this added property of the composition is found in Table 2.

Claim 33 is dependent on Claim 32 and defines pharmaceutically acceptable carriers for the composition of Claim 33.

Claim 34 recites a method for treating a skin disorder employing a composition according to the present invention.

Claim 35 is dependent on Claim 34 and defines skin disorders treatable employing the method of Claim 34.

Applicant notes that Claims 28-31 are free of the art. It is respectfully submitted that Claims 32-34 also are free of the art. Notably, the enclosed Terminal Disclaimer also circumvents the judicially created doctrine of double patenting with respect to Claims 32-34 with respect to U.S. Patent No. 6,149,947. The inapplicability of Stanley (US 5,080,900) to Claims 28-31 is noted and it is respectfully suggested that this same inapplicability carries over to new Claims 32-34.

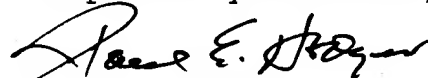
The Examiner has called attention to the use of the terms "Whitfield" and "Bencelok" as trademarks and requested that these products be identified by their generic identification. This action has been taken by the present amendment to the specification.

Reconsideration of the application and allowance of Claims 28-34 are respectfully requested.

A request for a three-month extension of time to respond to the Examiner's communication is enclosed, along with the fee therefor.

Also enclosed are a Revocation of Power of Attorney and Appointment of New Attorney and a notice of Change of Correspondence Address.

Respectfully submitted,



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July 28, 2003

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